CHAPTER XXIII.

SERVICE INAMS.

"*Among the Maratha peasantry the mildest men often become the most violent of human beings where the possession of watan is concerned.*"—Grant Duff.

Service Inams are those hereditary holdings of land or cash in return for which a certain service to Government or to the public is or was required of the holder. It will be seen therefore that jagheers and the other holdings mentioned in the last chapter might, if their origin were looked to, properly be called Service Inams. But in all those cases the service was of a political or military nature, and has been discontinued since the introduction of the British Government, and what is meant by Service Inams are the wuttuns of the district and village hereditary officers.

The law relating to service inams and hereditary offices generally is contained in Act XXIII. of 1871 and Bombay Act III. of 1874.

Hereditary officers will here be considered in three classes:—

I. District officers.
II. Village officers who still perform service.
III. Village officers who perform no service.

I.—District Hereditary Officers.

These officers, who now assume the general name of Zemindar, and whose districts were called parganas and tarafs, are of very ancient origin, and the commonest of them were Deshmukhs and Deshpands, who performed for their districts the same sort of duties as Patils and Kulkarnis did and still do for villages, and were believed by Grant Duff to be of equal antiquity. There were anciently above them Sar Deshmukhs and Sar Desais, but Elphinstone could hear only of one family besides the Rajas of Sattara enjoying the Sar Deshmukhi, and of no Sar Deshpands except in the Konkan. It is remarkable that though all these district officers were Hindoos, and their offices of Hindoo origin, they were retained and their powers apparently increased by the Mohammedans, and entirely superseded in favour of stipendiary officers by the Marathas.

Under our Government the stipendiary system was of course retained, but some service was still required from the hereditary district officers, who continued till 1863 to enjoy their full emoluments and to perform duties which became more and more nominal. An arrangement was then made by which they were relieved of all liability for future service on condition of paying a certain quit-rent, varying in different districts, on their holdings and allowances, the remainder being then confirmed to them as private property by sanads. Nearly the whole of the district officers have accepted this, which is known as "the wuttun settlement." Act III. of 1874 applies to them as well as to those who have not accepted the settlement, but its provisions are of course only enforced with regard to the latter.

1. **District officers not under the Act.**—[It is not necessary in consequence of there being now so few district officers on service tenure, to give a description of their duties. The following principles were laid down in a judgment of the High Court in the case of a Sar Desai *versus* the Collector of Rutnagherry decided in August 1871, and are no doubt applicable to all wuttuns held on a service tenure.]—"To all intents and purposes, the law gives the Collector the power to entertain such establishment as is necessary for the performance of the usual duties of a wuttun, if the wuttundar himself refuses to do so * *. But if the Collector takes upon himself to spend any of the proceeds of a wuttun, he is bound to show that the money was spent in securing the performance of duties which the wuttundar himself was bound to perform * * The wuttundar has no right to complain that his duties have been increased by the subdivision of the talooka. When the wuttun was granted to his family in consideration of the performance of duties of a particular kind, there was no undertaking that the quantity of service of the kind which he would be called upon to render would be invariable."

2. **Rules as to the resumption of service lands.**—(Act XI of 1852, Sec. 10, and Bombay Act VII. of 1863, Sec. 2, cl. 3).

(1) An inquiry into the title by which any land held for service is enjoyed may be instituted by such officer as Government may direct.

(2) Lands originally held for service, and continued under Section 15, Bombay Act III. of 1874, on condition of payment of a certain portion of the assessment thereof in commutation of service, shall continue to be held in accordance with the terms of the sanads issued in confirmation of the said commutation settlements.

(3) Service lands as to which no such commutation settlement has been effected, and already declared by Government, or by any officer acting under the orders of Government, to be resumable on the demise of certain persons, or on the extinction of certain families or lines of descent, shall be resumed accordingly.

(4) Service lands which do not fall under either of the two last rules shall be continued, subject to Bombay Act III. of 1874, and any other law for the time being in force relating thereto, to the heirs of the present holders, or, in the event of the same being at any time lawfully alienated, to the heirs of the alienees, without restriction as to adoption or female or collateral succession; but such lands shall be resumed in default of any heir in whom, in the ordinary course of descent, the deceased holder's private property would vest, and shall not be liable to be dealt with under the ordinary law for the time being in force relating to intestate property:—

Provided that if Government are at any time satisfied that the service in respect of which any such lands are held is no longer performed, or that its performance is no longer necessary, or that for the service performed the remuneration derived from the profits of the enjoyment of such lands is unnecessarily high, or in the case of service lands to which the provisions of Bombay Act III. of 1874 do not apply, if it shall appear that the holder has been guilty of any serious offence or misconduct, Government will, in their discretion, direct either (1) the resumption of such lands, or (2) the continuance of the same subject to such new conditions as they shall deem fit to impose, or (3) the resumption of a portion of such lands, and the continuance of the rest thereof subject to such conditions as aforesaid.

(5) When the sanad issued in confirmation of any service commutation settlement expressly authorizes the alienation or transfer of the service lands, the same shall be continued without question to any lawful holder thereof on fulfilment of the terms of the sanad. But in every other case contemplated by No. 2 of these rules, and in every case contemplated by Nos 3 and 4, if any land

held for service shall become alienated contrary to Bombay Act III. of 1874, or of any other law for the time being in force, or in the case of land to which the provisions of Bombay Act III. of 1874 do not apply, if the same shall be alienated or in any way encumbered without the previous sanction of Government, the said land shall, if Government so direct, be forthwith resumed, anything in the said rules to the contrary notwithstanding.—*G. R. No.* 1364, *March* 15, 1878.

3. Túlukdári lands are charged with land revenue due to Government, and may therefore be declared forfeited if the land revenue remains unpaid.—*G. R. No.* 116, *Jan.* 6, 1881.

4. **Non-service Settlement.**—Government are not at present disposed to enforce a non-service settlement against the wishes of the district wuttundars; but where they are not willing to accept it, service up to the full value of the wuttun should be exacted.

There is no legal difficulty under Act 23 of 1871 in enforcing a settlement in respect to cash emoluments, and this can be done hereafter, if advisable, in cases where the cash allowances are sufficient to cover the amount representing the value of the service dispensed with. The jurisdiction of the Civil Courts with regard to allowances is taken away by the Act.—*G. R. No.* 3045, *June* 16, 1875.

5. District hereditary officers who have accepted the settlement are to be treated with the same consideration as before the settlement, and when they visit kutcherries should be received in a manner befitting their rank.—*G. R. No.* 1432, *Dec.* 11, 1863.

6. **Register of non-service wuttuns.**—It is undesirable to treat Máhál Zamindári property converted into private property exactly like ordinary Ináms, and it should be registered in the Register of Non-Service Wuttuns. In the Revenue Accounts, it may be treated as Inám, being described, however, as settled Máhál Zamindári lands.—*G. R. No.* 6282, *Nov.* 6, 1875.

7. The registers of district hereditary officers, and others for whom liability to serve does not exist, can be prepared for each taluka from existing registers by the Mámlatdárs.—*G. R. No.* 5115, *Sept.* 8, 1875.

8. **Service.**—A wuttundar who paid full assessment on his service land, and has not been required to perform service previous to the Wuttundars' Act should not be required to give service for the future—*G. R. No.* 6752, *Dec.* 1, 1875.

9. **Adoption.**—District Officers who have accepted the settlement may adopt from within the limits of the wuttundar family without the permission of Government or payment of nuzzerana. If all the sharers agree, the adoption of any person legally qualified, even though not belonging to the family, may be allowed by Government on payment of an annual nuzzerana of one anna in the rupee.—*G. R. No.* 3539, *Oct.* 13, 1863.

10. Section 33 appears to have been intended to enact that if any wuttundár who is or was head of a family or chief representative of a branch of a wuttundár family (or his widow) has adopted an heir before the Act came into force, notice of such adoption must be given to the Collector within 12 months of the Act coming into force, and if this is done, the adoption is conditionally recognized, and the right of the heir to be registered is admitted as if he had been a born son of his father by adoption. —*G. R. No.* 5559, *Sept.* 24, 1881.

11. **Alienations.**—None of the restrictions against alienations provided by the Act apply to those wuttuns which are to be continued according to the terms of the settlement, whether such terms are consistent with the provisions of the Act or not.—*G. R. No.* 5115, *Sept.* 8, 1875.

12. The Government cannot confer on any one an absolute right to alienate a portion of a wuttun. It can only declare that, so far as Government are concerned, no objection will be taken to any one holding a share of a wuttun by virtue of the settlement alienating his share out of the family. This is what is to be understood by the assurance that Government will consider the wuttun holding as private property, but the rights of heirs cannot be prejudiced by such declaration; and it is also, as a matter of course, to be understood that the persons deriving right from the holders to whom sanads are issued will derive such right only as is possessed by the holders under the settlement, and no more. Government therefore will not question alienations by district hereditary officers who have accepted the settlement, but they will not prevent parties

suing to set aside alienations as illegal.—*G. R. No.* 4425, *Dec.* 16, 1867, *and No.* 6018, *Oct.* 25, 1875.

13. In applications in the District Court for certificates of heirship in cases in which alienations of watans are liable to be perpetuated or in which Government is otherwise interested, the Government Pleader should be instructed to watch the proceedings of each case, and the Collector should see that the evidence of heirship tendered is trustworthy.—*G. R. No.* 945, *Feb.* 15, 1881.

14. **Survey.**—Villages held on service tenure by hereditary offices are to be subject to the Revenue Survey operations, but holders of such villages are not obliged to introduce the Survey rates.—*G. R. No.* 3613, *Sept.* 28, 1868.

15. **Partition.**—At the time of the Revision Survey the opportunity should be taken of dividing large estates of Inamdars and Wuttundars into recognized and distinct shares as far as may be possible, and every facility should be afforded for the transfer of these shares in the case of district hereditary officers entitled by the settlement to dispose of their holdings as private property.—*G. R. No.* 4348, *July* 24, 1873.

16. **Taxation.**—The guarantee against extra assessment given to those who have accepted the settlement extends only to Imperial demands, and not to any taxation that may be imposed for objects of local utility.—*G. R. No.* 234, *Jany.* 17, 1867.

17. **Forest rights.**—The sunnuds granted under the Wuttun Settlement do not necessarily give the holder forest rights. Each case should be decided on its own merits, according to the previous rights of the wuttundar.—*G. R. No.* 3516, *Sept.* 16, 1868.

18. **Shetyas.**—Shetyas (hereditary officers connected with the trade of large towns) who receive no remuneration are not to be called on for formal service, but are not to be ignored. They may be useful occasionally as a medium of communication with the trading classes, and, as they hold an honorary position, may be called on to use their influence with their fellow-townsmen and furnish information to Government. In case of misconduct these marks of consideration should be entirely withheld.—*G. R. No.* 1366, *April* 11, 1866.

II. VILLAGE OFFICERS WHO STILL PERFORM SERVICE.

[The village hereditary officers from whom service is still required are the Patel, Koolkurnee, and Mahr. Their duties have been already given in Chapter VI., and though it is a subject of great interest and importance, it is not necessary here to enter on any general description of the village system, about which so much has been written by Elphinstone and others, and recently, from a different point of view, by Sir H. S. Maine. Elphinstone calls it "the first and most important feature of the Native governments," and this feature appears to have been preserved more thoroughly in the Mahratta Country than in any other part of India.

In this chapter it is the wuttuns of the village officers, the mode of appointing the officiators, and the rights of the various sharers which are to be explained. The great value set by Mahrattas, and, it may also be said, by all the natives of this country, on hereditary property, however valueless in a pecuniary point of view, is the root of the difficulty our Government experiences in dealing with these appointments, since the smallest share in the most insignificant wuttun is often as obstinately fought for, both in the Civil and Revenue Courts, as if the succession to a valuable estate were in question. The following extract from Grant Duff explains this:—

"The greatest Mahratta commanders or their principal Brahmin agents were eager to possess their native village; but although vested with the control, they were proud to acknowledge themselves of the family of the Patel or Koolkurnee; and if heirs to a miras field they would sooner have lost wealth and rank than been dispossessed of such wuttun. Yet on obtaining the absolute sovereignty they never assumed an authority in the interior village concerns beyond the rights and privileges acquired by birth or purchase, according to the invariable rules of the country."

A very striking instance of this is found in the fact recorded by Ferishta that the Nizám Sháhi kings of Ahmednuggur, who had before their conversion to Islám had in their family the Koolkurnee's wuttun of Pátri in Berár, after making great offers to get possession of this town at last went to war for it, and that more than once.

Village Mhars stand on a different footing from Patels and Koolkurnees, as they are still allowed to levy their hukks from the villagers for whom they do service. Officiators are not as a rule appointed under the Wuttundars' Act, but there is generally no difficulty in getting members of the Mhars' wuttun to perform the duty which

Government requires of them, that is, to act as village watchmen under the Patel, and to carry the instalments of Government revenue from the village to the talooka treasury.]

19. **Principles.**—In all matters relating to hereditary offices the first thing to be considered, and that for which Act XI. of 1843 was framed, is the efficient discharge of the duties of the office, and, so far as is consistent with this, the hereditary rights and customs of wuttuns may advantageously be preserved.—*G. R. No.* 1640, *March* 1, 1850.

20. The terms of the sanads granted under what is known as the Gordon Settlement are to be strictly adhered to. Widows can have no claim. Sections 10 and 11 of Bombay Act III. of 1874 are applicable to such wuttuns except in the cases in which the terms of that settlement expressly render the wuttun alienable without the consent of Government.—(*G. R. No.* 3279, *June* 2, 1876; *No.* 6070, *October* 9, 1877; *and No.* 2915, *May* 23, 1881.)

21. The wuttuns of hereditary officers are not to be viewed as private property, but as the remuneration of public service. The employment of Gumastas should always be discouraged, and the principals should, whenever practicable, be required to act in person. The provisions of the law enable the Collector to insist on arrangements calculated to ensure the efficient performance of the duties of hereditary officers.—*G. R. No.* 1341, *April* 30, 1844, *and No.* 2400, *April* 26, 1848.

22. Government consider that the efficiency of the village service can be improved by requiring proof before any wuttundár is appointed to be kulkarni that such wuttundár is competent to discharge satisfactorily the duties of the office. To the adoption of such a course no reasonable objection can be raised. It would not be too much to demand that every wuttundár should, before he is nominated to the post of kulkarni, satisfy the appointing officer that he is able to read and write well, is a fair arithmetician, and possesses some knowledge of the system of village accounts.

Section 45 of the Watan Act empowers a Collector to refuse to accept the service of any representative watandár or of any deputy nominated by him if he has reason to believe that such watandár or deputy is unfit owing to mental inability to perform efficiently the duties of his office: a watandár therefore who has not been educated sufficiently to do the work of a kulkarni is mentally unfit to officiate

as such and may be rejected. The Collectors have been instructed to ascertain by examination if the persons now serving as kulkarnis in their respective districts are sufficiently qualified, and if not to appoint deputies under Section 46.

The district officers should satisfy themselves by examination, when accepting or making nominations, that the nominee can read and write, and has a fair knowledge of his duties.—*G. R. No.* 8805, *Dec.* 15, 1882.

23. **Powers.**—It is desirable that the Commissioners and Collectors should be empowered to call for cases disposed of under Act III. of 1874 by officers subordinate to them, even if no appeal be presented, and under Section 82 this power is hereby conferred on the officers named. Should it be put in force it will not be in the Collector's or Commissioner's power to review or alter the decision, but only to report upon it to Government under Section 79 of the Act.—*G. R. No.* 5115, *Sept* 8, 1875.

24. **Preparation of Registers.**—(1) The first step to be taken is to ascertain in each collectorate how far the existing registers will hold good. It is the great desire of Government to make as little change as possible. In each collectorate an experienced Assistant is to examine all the registers framed since 1866 in which decisions have been, as provided in Section 73, para. 2, recorded in writing after due investigation. As a general rule, these decisions should not be questioned, and the Assistant's duty will then be confined to obtaining additional information required by the new forms of register. But additional information as to the rights of sharers and the like may, in some cases, be requisite, and this the Assistant will have to obtain. In such cases care should be taken to avoid, as much as possible, obliging the parties to appear in person; and only in cases where there are doubtful or important points to be decided, their attendance should be insisted upon.

(2) The Assistant Collector entrusted with the above duty will report, after examining the registers alluded to in Clause 2 of Section 73, in what villages those registers cannot stand. Each case should be reported separately, and Government will then pass orders exempting the wuttun in question from the operation of the section.

(5) Registers for villages where they have to be prepared *de novo*, either on account of the decisions since 1866 being now disallowed, or owing to their not meeting the conditions required by Section 73, Clause 2, or because no register at all has been made since 1866, must usually be made by the Assistant and Deputy Collectors in charge of the taluka. Regard should be paid to the convenience of the parties, and those cases in which vacancies are about to occur should be taken up first.—*G. R. No.* 5115, *Sept.* 8, 1875.

25. In consequence of the great inconvenience and confusion resulting not unfrequently from the want of uniformity on the part of the Collectors, their Assistants and Deputies in recording their proceedings under the Watan Act for the appointment of representative watandárs and of the difficulty experienced, when the cases come up for revision, in deciding what is exactly the custom of the watan as to service in each case, the following form of record for general adoption has been sanctioned by Government, and it should be adhered to as much as possible.

The proceedings should be written in a neat and legible manner in view of the possibility of their coming before Government on revision or appeal :—

'*Record of Proceedings held before under Part 6 of the Watan Act III. of* 1874, *for the village of Táluka Zilla*

Camp 188

The following persons are present :—

A list of the men who have served from the earliest period, with notes showing whether they were selected by the Collector or by the sharers under Act XI. of 1843, Section 4, is appended.

Custom of the Watan.

Under this head state distinctly—

1. Whether it is the custom "for a member of one family only to serve," Section 27, and if so, whether he served by the selection of the Collector or the votes of the sharers in the watan or under Act XI. of 1843, Section 4.

2. Whether "a member of each of several families" served "contemporaneously or for successive periods," Section 28, and if for "successive periods," whether this prac-

tice existed at the date of the introduction of Act XI. of 1843. In both cases enquiry should be made and recorded if the several families served contemporaneously or in successive periods by the selection of the Collector or under Act XI. of 1843.

3. Whether "the practice of selection by the Collector from several families prevails," Section 29, Clause 1, and whether he selected one family to serve or several families to serve contemporaneously or for successive periods.

It is not sufficient to record that the custom is "rotation"; this word is not recognized by the Act and had better be abandoned. The Act only contemplates one or other of the customs above noted or perhaps a combination of two or more of them, but whatever remarks you may make on the subject of the custom, you must record a distinct finding under which Section of the Act you consider the custom to exist, and fix the period of service prescribed by Section 38.

It must be remembered that the mere appointment of one patel to succeed another on vacancies by death or dismissal or termination of the period for which previous appointments have been made does not *alone* constitute "service for successive periods," as contemplated in the Act. Service for successive periods can only exist *as a custom* when it can be claimed *as a right*. When it exists at the discretion of the Collector, it comes more properly under Clause 1 of Section 29 "selection by the Collector" or service in successive periods subsequent to 1843. Whether one or more persons served, or whether they served for life or in successive periods, they were invariably selected by the Collector, though he often fixed the order of service by selection, and therefore established a *quasi*-service in successive periods. Having decided the custom of the watan, the next step is to decide who are the—

Representative Watandárs.

1. If you decide that the custom is for a member of one family only to serve, Section 27, then you "shall" register the "name of the head of that family only as representative watandár."

2. If you consider that the custom is for a member of several families to serve, Section 28, then you must "register

the head of each of such families as representative watandárs, and fix the order in which they shall officiate."

3. If you find, as you will in the great majority of cases, that service in successive periods has been introduced subsequent to 1843, or that "the practice of selection from several families prevails," then you must determine "If they are descended from a common ancestor, and if so, who is the head of the eldest family descended from the original watandár and enter his name as sole representative watandár," but if they are not descended from a common ancestor, then you must "register the names of the heads of such families" and the order in which they are to serve, Section 29, Clause 2.

4. If you find that service in successive periods has been introduced under British "rule in consequence of the reduction of the number of sharers or the amalgamation of watans," then it will be your duty to enter the names of the heads of each family that formerly "officiated as representative watandárs," Section 30, and the order in which they are to serve. Whatever remarks you may find it necessary to make, you should quote the Section under which you enter the names of the representative watandárs.

It will be observed that, when the practice has been selection by the Collector, Section 29, Clause 1, if the Watandárs are descended from a common ancestor, then the name of the head of the eldest family descended from the common ancestor (original watandár) can alone be entered, but as this will operate with great harshness in disinheriting every other member of the watan you will do well to look with great suspicion on the evidence of a common ancestry, and not admit it without the clearest proof.

When a common ancestry *is* clearly proved, then you should represent to the watandárs that unless they accept a compromise under Section 31 they will *all* be disinherited except the one sole representative watandár selected under Section 29, Clause 1. When this is properly put before them, they will seldom fail to accept a compromise, and it should then be distinctly recorded that the watandárs are appointed under Section 31, and that service is for life under Section 38.

When an appeal is made to the Collector or Commissioner from the decision of the Assistant Collector or Collector, the appellate authority should prepare a record, in substance, as follows:—

Proceedings on appeal from the decision of *dated*
before *Collector*
Camp 188

Recorded petition of appeal under Section 78.

Note should be taken if the period of 60 or 90 days allowed for appeal has expired.

The objections raised by the appellant should then be briefly stated and the decision with the reasons for it recorded.—*G. R. No.* 7878, *Dec.* 26, 1881.

26. Each Matadar is to be entered as a representative Wuttundar. This is necessary to prevent their being deprived of the right they had formerly to serve if selected by the Collector.

Service does not necessarily prove the claimant to be a Matadar or head of a family, and each case must be decided on its own merits.

The existing Matadars having thus, as a general rule, been entered as representative Wuttundars, the Collector should, unless they themselves come to an agreement under Section 31, decide under Sections 28 and 38, the rotation in which they are to officiate. In cases of difficulty the order of rotation may most conveniently be decided by drawing lots.—*G. R. No.* 5115, *Sept.* 8, 1875, *and No.* 6141, *Oct.* 12, 1877.

27. When the service has been for life hitherto, the practice should, under Section 38 of the Act, be continued as far as possible.

While Section 26 provides that the Collector shall *not be bound* to recognise appointments and sub-divisions made subsequently to the introduction of Act XI. of 1843, which he considers mere practices contrary to the *custom* of the wuttun, Section 73, clause 2, on the other hand, indicates plainly that practices established after the careful inquiries instituted about 1866, and acquiesced in since, are not to be disturbed; and Government are not disposed to deviate from the existing registers in such instances without very weighty reasons being adduced.

Attention is necessary to the different manner in which the words "custom" and "practice" are used in the Act. The practice is by Section 26 to be looked at, but so also are the records; both are evidence of custom. This should be borne in mind where they

do not coincide ; in many cases it will be found that the practice since British rule began has been to appoint from one or more families while other families have acquiesced on the understanding that their rights subsisted unaffected. This understanding is often proved by official entries; it often subsists in well-known and undisputed tradition. The Collectors will, of course, subject to the rule contained in Section 73, clause 2, bring as much research and experience as possible to their judgment on the evidence, taking care that mere accident shall not prejudice just rights, and at the same time that recent practises of sub-divisions shall not be allowed to weaken the village system contrary to the proviso of Section 26.

Particular attention should be paid under Part VI. of the Act to decisions of the Civil Courts in suits instituted before the Act came into operation. Such decisions should be accepted as evidence within the meaning of Section 26 of the Act and as conclusive evidence so far as they are consistent with the provisions of the Act.

The following rules are therefore to be observed on this point:—

(I.)—Decisions passed by the Collector since 1866 shall not be accepted under clause 2 of Section 73 of the Act when they have been set aside or modified by the Civil Courts, but in such cases the Courts' decrees shall be acted upon, so far as they may be consistent with the provisions of the Act.

(II.)—When litigation is still pending concerning any such decision it should not be accepted, nor should any final order be passed under Section 73 of the Act until the final decree of the Civil Courts is obtained, when it should be acted upon as in the case of already existing decrees.

(III.)—Government reserves the right of directing that previous decisions other than the above shall not be accepted in particular cases.

By Section 8 an alience who has come into possession of profits of wuttun property under certain circumstances, cannot be dispossessed by the Collector. Hence under the definition of Wuttundár the alience has an interest in the wuttun and is a wuttundár, but cannot be entered in the register as a representative wuttundár unless he has established a customary right to serve. On the other hand, if these circumstances do not exist, the Collector *may*, under Section 9, dispossess the alienee of the profits. But

this section is not, like Sections 10 and 11, which refer to alienations made after the passing of the Act, imperative but permissive only, and in exercising the power conferred by Section 9, the general rule should be that alienations effected before the passing of Act XI. of 1843, and in lately acquired territory before the introduction of British rule shall not be interfered with. The profits thus alienated will of course be liable to contribution to the emoluments of the officiator under Section 23, and the alienee cannot be registered as a representative wuttundár unless he has established a customary right to serve under Section 26.

Alienations effected since 1843 should not be interfered with when fraud is not apparent, when reasonable consideration was passed, and when the profits have actually been in the enjoyment of the alienee. In other cases the Collector should, according to his discretion, have recourse to one or the other of the two courses laid down in Section 12, which is more fully explanatory of Section 9. —*G. R. No.* 5115, *Sept.* 8, 1875.

28. **Preparation of Registers.**—All decisions must be written and signed in the handwriting of the officer making them. This is one of the most important provisions of the Act, and the law should be strictly carried out.—*G. R. No* 2963, *May* 18, 1876.

29. Old registers which fulfil the requirements of the Wuttun Act do not require to be submitted to Government, but Collectors and Commissioners must admit appeals against them in the usual manner.—*G. R. No.* 1925, *April* 15, 1878.

30. **Appeals.**—Appeals should certainly be allowed from decisions passed before the Act was introduced—provided no appeal has been made already. Many decisions have been passed without any proper record of proceedings having been made, and if appeals on such cases were not allowed, it is difficult to see how registers could be prepared *de novo*.—*G. R. No.* 2963, *May* 18, 1876.

31. The limitations and restrictions in respect to appeals do not apply to cases which have been dealt with prior to the passing of the Act. As a matter of fact, however, every case must be enquired into again for the purpose of framing the register under the Act, and any dispute that may have arisen can best be disposed of at the time of such enquiry.—*G. R. No.* 5915, *Oct.* 17, 1876.

32. **Appointment of officiators.**—It is desirable that the offices of Revenue and Police Patel should be held by the same person, except where the custom of the country or the rights of families and individuals are opposed to this, as they frequently are in Guzerat.—*G. R. No.* 2907, *April* 27, 1852.

33. As a rule the appointment of deputies should only be permitted in cases in which wuttuns are owned by Sardárs of so high a rank that they could not be reasonably expected to serve in person.

The determination of the number of officiators required should be made by the Collector under Section 43, with much regard to the condition of family as well as to the needs of the village. Neither in this nor in any other matter is general or rapid change desirable. The broad application of the term wuttundár to collaterals should not be lost sight of.

When the Collector appoints a deputy, the term should be five years—*G. R. No.* 5115, *Sept.* 8, 1875.

34. **Appointment of officiators.**—Where there are more officiators than necessary, they should be reduced at the Collector's discretion under Sec. 31 of the Act.—*G. R. No.* 6648, *Nov.* 27, 1875.

35. No man who has undergone penal servitude should be appointed to a place as officiator or deputy.—*G. R. No.* 6752, *Dec.* 1, 1875.

36. A wuttundar whom it is unadvisable to allow to serve personally on account of his being deeply in debt may be called upon under Sec. 45 to appoint a deputy.—*G. R. No.* 3136, *June* 3, 1875.

37. In cases of dispute as to the right to serve if former performance of service is admitted, it should rest with the opposite party to prove that such service was on the part of others and not of right.—*G. R. No.* 4797, *Aug.* 23, 1875.

38. The fact that a takshim has not served cannot be regarded as conclusive evidence that it has no right to serve when selected by the Collector.—*G. R. No.* 7819, *Dec.* 22, 1881.

39. When it has been the custom for a member of each of two or more takshims to serve contemporaneously, and in one or more of such takshims a member of each of several families has performed the duties in successive periods, the custom as to con-

temporaneous service shall, subject to the provisions of Section 43, be recognized, and the rights of the representative wuttundar, or of the representative wuttundars of each takshim as to service, shall be determined under the provisions of the Act as if each such takshim constituted a distinct wuttun.—*G. R. No.* 5873, *Oct.* 14, 1876.

40. As long as there is a fit Matádár an outsider should not be appointed to serve as deputy for a Mukhi.—*G. R. No.* 3988, *July* 15, 1875, *and No.* 5115, *Sept.* 8, 1878.

41. Inamdars have under the Act no power of appointing the village officers in their inam villages: but where they had before the privilege of appointing they should be allowed to be present, and their wishes, as far as the law allows, treated with consideration.—*G. R. No.* 4165, *July* 23, *and No.* 5522, *Sept.* 29, 1875.

42. **Payment of officiators.**—The following is the scale fixed by Sir G. Wingate for remuneration of officiating Patels and Koolkurness, to be paid in cash:—

(1) *For Patels*—

For the first thousand rupees of the gross revenue of the village three per cent.; for the second thousand two per cent.; for the balance above Rs. 2,000 one per cent. In addition to these percentages they shall receive a fixed annual allowance of one rupee when the gross revenue ranges from Rs. 11 to Rs. 20; Rs. 2½ when it ranges from Rs. 21 to 30; Rs. 5 when it ranges from Rs. 31 to 50; and Rs. 10 when it exceeds Rs. 50.

(2) *For Koolkurnees*—

For the first thousand rupees of gross revenue five per cent; for the second thousand four per cent; for the third thousand three per cent.; for the fourth thousand two per cent.; and for the balance above Rs. 4,000 one per cent. In addition a fixed allowance of Rs. 2 when the gross revenue ranges from Rs. 11 to Rs. 20; of Rs. 5 when it ranges from Rs. 21 to 30; and of Rs. 10 when it is above Rs. 30 and does not exceed Rs. 1,000; when it exceeds Rs. 1,000 and falls short of Rs. 1,200, such an amount as shall make up the total salary to Rs. 60.

(3) The above rules show the minimum of remuneration, but the following additions are made when the total emoluments of the wuttun exceed the minimum under the above scale:—

When the total emoluments of the wuttun (including inam land and the value of abolished hukks) are less than Rs. 5 in excess of

the minimum fixed by the above rules, the balance is to go to the officiator in addition to his fixed salary.

When the total emoluments are double the minimum fixed by the scale, ten per cent. of the surplus to go to the officiator in addition to his fixed salary.

(4) In the case of towns or large villages with a population of 2,000 and upwards, a permanent allowance of Rs. 10 is to be granted to each officiating Patel and Koolkurnee in addition to his pay fixed by the scale, provided the balance of total emoluments is sufficient for this but insufficient to bring the case under the operation of the last rule.

(5) The gross revenue of the village is the whole revenue leviable, without deducting remissions.

(6) The salaries calculated as above are to be paid quarterly from the talooka treasuries in cash.

(7) Koolkurnees are also to receive an allowance for stationery out of the village expense allowance according to the following scale:—

Gross revenue within Rs.			20,	allowance Rs.	1
Rs.	21	to	50	,, ,,	2
,,	51	to	100	,, ,,	2½
,,	101	to	200	,, ,,	3
,,	201	to	350	,, ,,	3½
,,	351	to	500	,, ,,	4
,,	501	to	700	,, ,,	4½
,,	701	to	900	,, ,,	5
,,	901	to	1,250	,, ,,	5½
,,	1,251	to	1,500	,, ,,	6
,,	1,551	to	1,800	,, ,,	6½
,,	1,801	to	2,000	,, ,,	7

and As. 8 for every additional Rs. 500 of gross revenue up to Rs. 5,000, but no allowance to be above Rs. 10.

(8) Where the other emoluments of the wuttuns are not sufficient to pay the allowances above laid down, the inam land belonging to the wuttuns are to be assessed at the usual letting rate of similar land in the village, or at any less rate which would make up the deficiency. Wuttun lands in the possession of mortgagees are to be thus assessed, when necessary, in the same way as those in possession of the proprietors.—*G. R. No.* 6892, *Nov.* 30, 1853.

Note.—The above scale is not universally applicable; the collectorates of Satára and Kanara are among the exceptions.

43. **Payment of officiators.**—Where Wingate's scale is in force, a contingent allowance is given to Patels for lighting and repairing chowrees, and for other miscellaneous expenditure, equal to that paid to Koolkurnees for stationery under the scale.*

It is to be given when the scale of remuneration comes under revision, either on or after the introduction of the Survey assessments.

Patels in lapsed villages are to receive the allowance when their emoluments are being settled for the first time.—*G. R. No.* 2777, *June* 29, 1865, *and No.* 3904, *Aug.* 14, 1871.

44. Wingate's scale is now explained and modified by the following rules and definitions:—

"Wuttun land emoluments" consist of the difference between the original judi or Government charge on the whole lands of the wuttun and the full survey valuation or assessment thereof for the time being.

The "appropriated amount" of the wuttun land emoluments consists of the sum imposed in the form of an addition to the original judi to meet, so far as it can, the remuneration of the officiator as fixed according to the orders of Government from time to time.

The "unappropriated wuttun land emoluments" consist of that portion of the difference, if any, between the total wuttun land emoluments at any time and the amount appropriated at any time for the remuneration of the officiator according to the last paragraph.

(1) The mámul or ancient recorded judi, or the highest recorded ancient payment, whichever may be the higher of these two sums, shall be considered to be the ultimate limit of judi or Government charge upon the service inám wuttun lands of village officers exclusive of any charge which it may seem fit to Government to impose for the remuneration of the member or members of the wuttun appointed by Government to officiate, so long as such charge on account of remuneration of service together with the original judi does not exceed the survey assessment for the time being of the whole lands of the wuttun.

* For the amount of this, see note to the next order.

(2) The wuttun emoluments are liable for the payment of the officiator up to their whole survey valuation as at any time fixed; and any portion of this valuation in excess of the requirements at any time for the payment of the officiator may be appropriated at any future time if it is in the opinion of Government necessary to increase the sum payable to the officiator.

(3) In G. R. No. 331 of 25th January 1860, it was decided that in commutation of enquiry by the Inám Commission into the title on which unappropriated wuttun land emoluments were held, additional judi of one-half the survey assessment for the time being should be levied on the unappropriated amount. It is now clearly ruled that upon its being necessary to add to the remuneration of the officiator or officiators, all such excess wuttun land emoluments are liable up to the full survey assessment for the time being. It is, however, laid down that the above half judi is not liable to increase on account of the unappropriated wuttun land emoluments for the time being attaining an increased valuation under a revision of assessment; but that such judi may be lowered owing to a decrease in the value of the unappropriated wuttun land emoluments rendering the judi formerly fixed thereupon more than half their value for the time being, or as above provided owing to a portion of the excess wuttun land emoluments being at any future time appropriated for the payment of the officiator.

In the case of settlements made prior to 1860 the unappropriated wuttun land emoluments whether in excess of Rs. 20 or under are to be charged at the end of the thirty years settlement half judi at the *old* and not the *revised* rate of assessment; and in the few cases where the excess at the time of original settlement is not known, to put on as judi at one quarter of the present excess.

(4) The scale of percentage remuneration adopted hitherto for Pátels shall continue in future. But the increased cháuri and potgi or extra allowance sanctioned by G. R. No. 6141, Nov. 1, 1875, should be adopted.*

(5) As regards the Koolkurnees, the percentage scale on which they are already paid being found sufficient should be retained both for salary and stationery allowance, with the modification as regards

* This is as follows:—For population up to 100, two rupees for potgi and two rupees for chauri; for every extra hundred an extra rupee for each, up to Rs. 30 for each, which is the maximum.

increased potgi or extra allowance, sanctioned in G. R. No. 991, 15th February 1876.*

(6) In towns and very large and troublesome places an additional payment may be awarded to officiating Pátels. At present under Wingate's rules an additional allowance of Rs. 10 is awardable to Patels of large places. It is now provided that there shall be three additional classes of such special allowances; the four classes will then stand as follows:—

Class	IV.	Rs. 10
,,	III.	,, 20
,,	II.	,, 30
,,	I.	,, 50

(7) The whole emoluments of village officers, whether consisting of salary, potgi or extra allowance, special allowance, or stationery allowance, are payable from the wuttun emoluments so far as they are capable of meeting these charges.

(8) On revision of assesment, all service inám lands of every head, whether those of village officers or servants, and whether held by officiators or others, shall be liable to pay local one anna cess on their survey valuation in common with all other lands.—*G. R. No.* 7651, *Dec.* 28, 1877, *and No.* 5994, *Oct.* 11, 1881.

45. **Payment of officiators.**—Service allowances should be calculated and paid according to the revenue year. When making deductions for arrears, revenue years should be counted, not financial.—*G. R. No.* 5420, *Sept.* 24, 1875.

* This is as follows:—

Revenue of villages ranging from	Scale payment.	Potgi.	Total allowance.
	Rs.	Rs.	Rs.
Rs. 801 to 900	45	10	55
,, 901 to 1,000	50	10	60
,, 1,001 to 1,100	54	10	64
,, 1,101 to 1,200	58	10	68
,, 1,201 to 1,300	62	10	72
,, 1,301 to 1,400	66	6	72
,, 1,401 to 1,500	70	2	72
,, 1,501 to 1,600	74	.....	74

46. Notice fees and fines for unpunctual payment of instalments of revenue should not be taken into calculation in fixing emoluments.—*G. R. No.* 5304, *Sept.* 15, 1876.

47. For collections of local funds the following are the rates of remuneration :—

	Koolkurnee.		Patel.	
	Rs.	a.	Rs.	a.
Exceeding Rs. 5 and up to Rs. 10.....	0	4	0	2
Do. 10 do. 25.....	0	8	0	4
Do. 25 do. 50.....	1	0	0	8
Do. 50 do. 75.....	1	4	0	10
Do. 75 do. 100.....	1	8	0	12

On collections above Rs. 100 the Koolkurnee to receive eight annas and the Patel four annas for every twenty-five rupees. Where the collections do not amount to Rs. 5 no remuneration is allowed. When a Talatee or Koolkurnee has more than one village, the payment is to be calculated on the total collections made in the whole of his villages.—*G. R. No.* 4477, *Sept.* 16, *and No.* 6183, *Dec.* 15, 1870; *No.* 28, *Jan.* 3, 1871, *and* No. 2719, *May* 12, 1875.

48. * * * * * *

49. **Payment of officiators.**—The emoluments of Patels, Kulkarnees or hereditary village accountants, and Talatis or stipendiary village accountants for the collection of Local Fund Cess are to be fixed for ten years on the average of previous five years' collections of the Local Fund Cess; the average to be taken being that of five years previous to 1875-76. These orders are not to apply to Pátels in the Surat District and to village officers in the Kanara District.—*G. R. No.* 2847, *June* 4, 1878; *No.* 3931, *Aug.* 5, 1878; *No.* 6633, *Dec.* 11, 1879; *No.* 4964, *Sept.* 20, 1880; *and No.* 163, *Jan.* 10, 1881.

[The rules for rates of remuneration on account of collecting irrigation revenue are given in Chapter X. Remuneration was also given them previously for collecting Income-tax, &c.]

50. Government have sanctioned the payment of percentage to village officers on collections of the Local Funds sand and quarry fees.—*G. R. No.* 3143, *Sept.* 15, 1879.

51. Remuneration to village officers according to Wingate's scale for the collection of forest revenue is to be paid to them in addition to the remuneration, whether fixed or variable, given for the collection of land revenue.—*G. R. No.* 3529, *June* 16, 1876.

52. The sale proceeds of grass and grazing from Koorans under the management of the Forest Department are to be collected by the village officers, and they should be remunerated for their services according to Wingate's scale.—*G. R. No.* 1669, *March* 18, 1875, *and No.* 3275, *June* 21, 1879.

53. The remuneration to Patels and Koolkarnees for collecting Government revenues from alienated villages is to be fixed at 1½ per cent. and 3 per cent. respectively on the average of five back years' revenue collected by them, and they are to be paid at this rate for ten years to come as in the case of village officers in Government Khalsa villages. The Kulkarnee is to pay expenses of stationery, &c. But if a Patel has Rs. 120 a year in inam and allowances, and a Koolkurnee Rs. 240, they will get nothing extra for collecting the Government dues under this ruling.—*G. R. No.* 1861, *June* 5, 1863; *No.* 1654, *March* 16, 1876; *and No.* 3088, *June* 12, 1879.

54. The present rates and modes of payment in alienated villages should not be altered except when serious disputes arise or the parties agree on a new scale.

55. In cases in which the Collector has to determine the emoluments to be paid to any watandar in alienated villages irrespective of the payments which it has been the established custom to make, he must see what is fair and adequate remuneration in each instance as it occurs, due regard being had to the nature and extent of the service performed.—*G. R. No.* 476, *Jan.* 23, 1882.

56. Remuneration is not to be granted to village officers in alienated villages for the collection by them of Local Fund Cess.—*G. R. No.* 2057, *April* 20, 1880; *No.* 349, *Jan.* 18, 1881; *and No.* 3761, *June* 10, 1882.

57. * * * * * *

58. The allowance paid to the officiating Patel or Kulkurnee is the pay of the officer, whether he be Wuttundar, Gumasta, or Collector's nominee, and no sharer or other person not officiating has any claim to participate in this allowance. Any underhand assignment of the same by an officiator will subject him to the stoppage of the whole or such portion of the allowance as the Collector may direct.—*G. R. No.* 5739, *Sept.* 28, 1853.

59. **Rewards.**—Government see no objection to the grant to village officers of suitable rewards in exceptional cases, as for in-

stance, when a Patel, Kulkarni or Talati shows extraordinary energy on any particular emergency, such as an outbreak of cholera, attack on the village by dacoits, the realization of the Government revenue under great difficulties and other occasions which will at once occur to Revenue officers of experience. In such cases, the Collectors may mark the efficient service rendered by conferring on the officers who render it the distinction of honorary pagries to be presented by the Collector or Assistant Collector at the time of the jamabandi in the presence of the Revenue and other officers and the village people gathered on such occasions, the charge on account of such rewards being met from the Provincial Revenues and debited to such head as the Accountant-General may indicate.—*G. R. No.* 667, *Dec.* 16, 1880.

60. **Illegal alienations.**—When sales or attachments of service lands by the Courts are brought to the Collector's notice he must get the sale set aside under Sec. 10 of the Act (III. of 1874), sending a certificate. [The form of certificate was given with the resolution.]—*G. R. No.* 2903, *May* 21, 1875.

61. The Collectors should inform all Patels and Koolkurnees and all the members of wuttundár families that it is their duty to bring to notice all illegal alienations of wuttun or profits, and all invalid attachments or processes placed upon them in future.

62. When lands are held by non-watandár patels for service, and have been alienated without the previous sanction of competent authority, they are resumable at the pleasure of Government. The Collector should therefore resume them and should assign to the officiating Patel in each case so much of the land resumed, including the land in his own occupation, as may be required to provide for his remuneration according to scale. If any surplus land remains after providing for the remuneration of the officiator, such surplus may be re-granted to the present occupants at survey rates.

The officiating patels should continue to be nominated by the Collector according to present custom, and they should be made to understand that they hold the lands assigned to them so long only as they continue to serve. It is not desirable to create new watan rights under Act III. of 1874.—*G. R. No.* 1170, *Feb.* 5, 1881.

63. **Legal alienations.**—Sales of shares to co-sharers should be encouraged as tending to reduce the number of shares.—*G. R. No.* 3418, *Sept.* 5, 1868.

64. **Inheritance.**—There is nothing to prevent wuttun property descending to daughter's son when he is the heir according to Hindu law.—*G. R. No.* 5115, *Sept.* 8, 1875.

65. The provisions of the Act itself are sufficient to prevent the descent of a share in a wuttun to a female married out of the wuttun family, when there are wuttundárs of that family who desire to prevent it; at any rate, Government have no interest in preventing such a succession —*G. R. No.* 1737, *April* 4, 1878.

66. The Bombay High Court have decided that according to Hindu law property inherited by a married woman from her father descends on her death to her own and not her father's heirs. On the death, therefore, of a daughter who has been married out of a wuttun family and who has been recognised as a representative wuttundár, her children are entitled to inherit the wuttun property, and if she has no children her husband will be her heir, and on failure of him his nearest *Sapindas*, which term includes on the father's side all blood relations within six degrees together with the wives of the males, and on the mother's side those within four degrees.

There is no objection to the daughter appointing her husband as her deputy, who under the above ruling can be deemed to be a wuttundar, *i.e.*, "a person having an hereditary interest in a wuttun" within the meaning of Section 53 of the Bombay Hereditary Offices Act, 1874.—*G. R. No.* 2318, *April* 8, 1882.

67. A daughter takes by inheritance an absolute estate just as a son would; but, if the estate be watan, the interest therein is so far limited by express enactment as provided in Section 5 of Bombay Act III. of 1874.—*G. R. No.* 7709, *Nov.* 7, 1882.

68. **Adoption.**—In the case of "a representative wuttundár," to whom and to whose widow the Act gives unqualified power to adopt, no nazarána can be levied.—*G. R. No.* 6282, *Nov.* 6, 1875.

69. **Dismissal and suspension.**—The dismissal of hereditary Patels must be regulated by Act 3 of 1874, and not by Act 8 of 1867.

The authority of suspension, &c. under Sec. 57, may be delegated to an Assistant.—*G. R. No.* 5716, *Oct.* 6, 1876.

70. The responsibility of the Patel for knowing that Government trees had been cut down in his village must be enforced: a

Patel was accordingly dismissed who pleaded that trees had been cut down without his knowledge.—*G. R. No.* 1583, *March* 28, 1877.

71. Non-residence in his village is not sufficient ground for the dismissal of a Patel where the village is small and no inconvenience has resulted to the public service from non-residence.—*G. R. No.* 8, *Jan.* 3, 1865.

72. When a village officer is dismissed after being convicted of a crime in the conduct of the duties of his office, and the nomination of his successor devolves on Government, no near relative, such as father, son, or brother, should be appointed.—*G. R. No.* 692, *Feb.* 28, 1860.

73. Dismissed hereditary officers should not be called by the titles of their old offices in official documents.—*G. R. No.* 1511, *May* 14, 1844.

74. The following form of "Record of Proceedings" should be submitted in reporting the dismissal of a hereditary officer of Government:—

"This day read the proceedings in the case of ————, Patel (Koolkurnee, &c.) of ——, Talooka ——.

"This hereditary officer was on————tried before Mr.—— Magistrate of————on a charge of————————, and being convicted was sentenced, under Sec. —— of the Penal Code (or otherwise), to————. On appeal to the——the sentence was upheld.

"The Collector of————then issued an order for the dismissal of the abovenamed————, dated————, and now submits for the consideration of Government the above-recorded reasons for his dismissal from his office."

The proceedings should also be forwarded when dismissal is recommended.—*G. R. No.* 2944, *June* 17, 1854, *and No.* 4142, *Oct.* 23, 1855.

75. The punishment of village hereditary officers for deliquencies is to be briefly notified to the Patels and Koolkurnees throughout the collectorate.—*G. R. No.* 2065, *May* 31, 1838.

76. **Prosecution.**—No sanction whatever is required to the prosecution of a Police Patel, whether hereditary or otherwise. But the prosecution of a hereditary revenue Patel for an offence committed in his official capacity requires the sanction of Government.—*G. R. No.* 3619, *June* 25, 1874, *and No.* 6482, *Oct.* 20, 1877.

77. **Procedure as to Mhars.**—Government are convinced of the necessity of dealing with village Mhárs and watchmen with the utmost care and caution; it is not desirable that the authority conferred by Section 18 of the Wuttun Act should be generally used: it will be sufficient to apply it when disputes grow so high as to lead to fighting, arson or poisoning of cattle. In fact, it should only be used in the last resort. Generally the ryots and the Mhárs are a fair match for each other; each class is sure to try to interest inexperienced officers in hope of gaining some petty advantage. A very slight gain in one village will incite the same class in neighbouring villages to petition for settlement—a consequence it is in every way desirable to avoid. Hence the anxiety of Government that Section 18 should not be used except under pressing circumstances, and that the decisions, when it is used, should invariably be those of Panchayats.

78. Ten years should be fixed as the period of settlements of haks to be made by Punchayets under Section 18 of Bombay Act III. of 1874.—*G. R. No.* 34, *Jan.* 4, 1876.

79. In the case of service wuttuns below the rank of Patels and Koolkurnees, in failure of legitimate heirs, the male issue of prostitute daughters of the family may be selected, but in no case should any woman who has become a prostitute, be recognised as heir.—*G. R. No.* 2266, *May* 5, 1874.

III.—Useless Village Wuttundars.

80. **Settlement.**—Besides the wuttuns of the Patels, Koolkurnees, and Mhars, which exist everywhere, and are still liable to service to the State and to the village communities, there are in different places a number of inferior inams originally granted on condition of service which has now become more or less unnecessary. These were divided into two classes:—

(1) Those whose services, though not useful to Government, are useful to the community, such as Kazee, Joshee, Gooroo, Sootar Lohar, Koombhar, &c.

(2) Those whose services, though perhaps formerly of use are now not required either by Government or the community, such as Potdar, Mahajun, Shikalgar, Bildar, Chowdaree, and a great number of others known only in particular localities.

The lands of these Inamdars were ordered to be assessed and a quit-rent (joodee) imposed of one-fourth of the Survey assessment

of their wuttuns in the case of the first class, and one-half in the case of the second class, in addition to any salamee that may have been levied previously. The holdings of the second class were then converted into private property, but those of the first class are regarded as service wuttuns liable in whosesoever hands they may be for service to the village community.—*G. R. No.* 1915, *May* 28, 1860; *No.* 2606, *June* 1, 1861; *No.* 3973, *Nov.* 11, 1863; *No.* 1930, *May* 18, *and No.* 2785, *July* 23, 1864.

81. **Settlement.**—The sums realized by the partial assessment described in Order 80 are to be applied to the remuneration of ill-paid and necessary village servants at the discretion of the Collector.—*G. R. No.* 203, *Jan.* 20, 1864.

82. Inams previously adjudicated by the Inam Commission were not subject to the half or quarter assessment, but the holders had the option of having their lands converted into private and transferable property at an assessment of three anas in the rupee If they did not desire this, their inams were continued according to the terms of the decision arrived at under Act XI. of 1852.—*G. R. No.* 1194, *April* 7, 1866, *and No.* 86, *Jan.* 10, 1867.

83. Bombay Act III. of 1874 does not appear to be applicable to village servants useful to the community. All the sanads which have been issued to such servants prohibit alienation of the property to which they relate. Under the terms of the settlement, land which ceases to be held as remuneration for service to the village community may be resumed.—*G. R. No.* 512, *Jan.* 12, 1882.

84. Those village servants in alienated villages who do not hold from the alienee, and who render no service whatever, come under rules given in Order 80, and have their lands assessed at half the Survey assessment and converted into private property with respect to transfer and succession. But those who still render service of any kind to the Inamdar can only have the settlement of one-quarter of the assessment offered to them on the Inamdar applying for it and giving up all claim to future service.—*G. R. No.* 2189, *May* 23, 1865.

85. The provisions of the above order are applicable to "Jadid" inams only, *i.e.*, those granted by the alienees, but in the case of kadim or ancient holdings of village servants in alienated villages useful to the community but whose services are not required by the alienees, the latter have no claim to any payments made in com-

mutation which must be considered to be payable to Government from which in reality these village servants hold.—*G. R. No.* 5770, *Oct.* 30, 1880.

86. The cash allowances of useless village servants who refuse to accept commutation are continued as life-grants, and stopped on the death of the present holders.—*G. R. No.* 1269, *March* 31, 1868.

87. When in a wuttun of this sort there are sharers each enjoying emoluments by rotation, and all refuse to accept money compensation, the allowances must be divided among the sharers rateably according to their claims, and the share of each resumed on his decease.—*G R. No.* 4540, *Sept.* 4, 1871.

88. The inams of Shetsundees are continued if their services are considered necessary. If their number is reduced, the assessment imposed on their land is available for the payment of those who are retained.—*G. R. No.* 3851, *Nov.* 9, 1867.

89. In case of a Shetsundee misconducting himself, his lands can be resumed and transferred to others.—*G. R. No.* 1830, *June* 14, 1865.